IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.856 OF 2006

Smt. Maya @ Kumudini Biswas
W/o. Ganesh Biswas ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. Om Prakash Pandey for the Petitioner
Mrs. A.S. Pai, A.P.P for the State

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 4TH SEPTEMBER, 2006

P.C.

1. The Petitioner approaches this Court with the grievance that the complaint lodged by her with the Respondent has not been acted upon and she has been threatened with dire consequences. This is in the backdrop that she being the witness in Sessions Case No.314 of 1995 in which the Respondents are being tried for the offences committed under Sections 397, 384, 420, 471, 465, 454, 457, 428, 506 (II), 120(b) and 34 of Indian Penal Code.

2. The concerned Officer, i.e. P.S.I. Shivaji Laxman

Thokale attached to Sahar Police Station, Mumbai has filed affidavit in reply, where he has stated that the Police has taken cognizance of the application of the Petitioner dated 26th March, 2006 and they have registered Crime No.401 of 2006 against the suspects for having committed offence under Sections 354, 506 (ii) of the Indian Penal Code and the investigation in the matter is going on. It is also made clear that as soon as the investigation is completed report will be filed in the matter. We expect the Respondent to complete the investigation within a week's time and file their report. We may also make it clear that as the Petitioner is a witness it is the sole responsibility of the State to give her protection so that she is not deterred and discouraged from giving evidence on behalf of the prosecution in the said case. The Petitioner has been molested and threatened with dire consequences. We find no reason why State should not apply to the Court of Sessions where the accused are tried and facing trial in Sessions Case No.314 of 1995 for cancellation of their bail for tampering with the witnesses.

3. We hope that the Respondent State would take appropriate steps so as to inspire confidence in the

Petitioner and assure her that she will not be threatened and humiliated in any manner. With these observations we dispose of the Petition.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)